

PATENT
ATTORNEY DOCKET NO.: 053847-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tohru ISHIZUYA et al.

Application No.: 10/676,733

Filed: October 2, 2003

For: OPTICAL ELEMENT, THIN FILM
STRUCTURE, OPTICAL SWITCH,
AND METHOD OF MANUFACTURING
OPTICAL ELEMENT

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) Confirmation No.: 2939
)
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) Group Art Unit: 2873
)
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) Examiner: E. Lester JUN 02 2006
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) Mail Stop 313(c)
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Commissioner for Patents
OFFICE OF PETITIONS, Mail Stop 313(c)
600 Dulany Street
Madison West Bldg.
Alexandria, VA 22314
Telephone: 571-272-3282

Sir:

PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)

Applicants hereby request withdrawal from issue of the present application under 37 C.F.R. § 1.313(c)(2) in light of the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 submitted herewith to permit consideration of an Information Disclosure Statement Under 37 C.F.R. § 1.97(b) being concurrently filed.

The Commissioner is authorized to charge the Petition Fee of \$130.00 set forth in 37 C.F.R. § 1.17(h) to Deposit Account No. 50-0310.

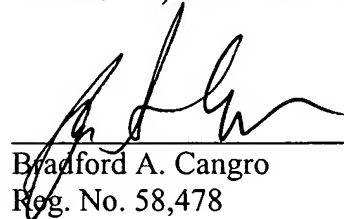
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EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees under 37 C.F.R. §§ 1.66 and 1.77 which may be required, including any required extension of time, fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Bradford A. Cangro
Reg. No. 58,478

Date: June 2, 2006

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